* **HIGH COURT OF DELHI : NEW DELHI**

Date of decision: 17th September, 2007

\+ **W.P. (C) No. 6815/2007 & C.M. No. 12904/2007**

% Vishnu Gopal & Another ...Petitioners
Through: Mr. A.Asthana, Advocate

versus

Union of India & Others ...Respondents
Through: Mr. Amit Anand, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K.SIKRI
HON'BLE MR. JUSTICE VIPIN SANGHI

1. Whether the Reporters of local papers may be allowed to see the judgment?

2. To be referred to Reporter or not?

3. Whether the judgment should be reported in the Digest?

VIPIN SANGHI, J. (Oral)

The Petitioner was appointed as a Daily Wage Peon on 01.1.2002 in the office of the Minister of State (Agro & Rural Industries). His services were dis-continued on 23.6.2004. He represented to the Respondents against the dis-continuation of his services, which was rejected by the Respondents on 7th July 2004. He approached the Tribunal by filing O.A. No. 2735/2004, which has been disposed of by the impugned order dated 23.08.2005. The Tribunal, in

view of the winding up of the office of the former Ministry, has directed the Respondents to engage the Petitioners as and when the vacancies were available in preference to juniors and freshers in any other Department or the Ministries. The grievance of the Petitioner is that despite the said directions, the Respondents are not giving any appointment to the Petitioner.

Admitted case of the Petitioners is that they were engaged only as daily wagers and no recruitment process was resorted to. Consequently, the Petitioners have no legal right to claim appointment in view of the decision of the Constitution Bench of the Supreme Court in ***Secretary, State of Karnataka,vs. Uma Devi,*** 2006 (4) SCC 1.

We find no merit in this petition. The petition and the application stands dismissed.

VIPIN SANGHI, J.

A.K. SIKRI, J.

September , 2007
P.K. BABBAR